IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE ACTING CHIEF JUSTICE MR.K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 7TH MARCH 2007 / 16TH PHALGUNA 1928

WA. No. 552 of 2007()

AGAINST THE JUDGEMENTIN WPC.23928/2006 Dated 20/02/2007
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APPELLANT: ADDL.6TH RESPONDENT

T.K.PRABHAKARAN NAIR,
S/O.DAMODARAN NAIR, THEKKEL, CHATHANKULAM,
P.O.MALLIKASSERY, KOTTAYAM DISTRICT.

BY ADV. SRI.K.RAMAKUMAR
SRI.T.RAMPRASAD UNNI

RESPONDENTS: PETITIONER & RESPONDENTS 1 TO 5
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1. M/S.PORIYATH LATEX, MALLIKASSERY P.O.,
PAIKA, PALAI, KOTTAYAM DISTRICT REPRESENTED BY ITS
PROPRIETOR, MR.TOMY FRANCIS.
2. THE DISTRICT COLLECTOR (CHAIRMAN OF
SINGLE WINDOW CLEARANCE BOARD), COLLECTORATE P.O.,
KOTTAYAM-2, KOTTAYAM DISTRICT.
3. THE ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD,
ST.ANTONY'S COMPLEX, NAGAMPADOM, KOTTAYAM DIST.
4. THE DISTRICT MEDICAL OFFICER OF
HEALTH, COLLECTORATE P.O., KOTTAYAM DISTRICT.
5. THE MEENACHIL GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, EDAMATTOM P.O.,
PALAI, KOTTAYAM DISTRICT.
6. THE SECRETARY, MEENACHIL GRAMA
PANCHAYAT, REPRESENTED BY ITS SECRETARY,
EDAMATTOM P.O., PALAI, KOTTAYAM DISTRICT.

R2 TO R4 BY GOVT PLEADER SMT K. MEERA

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD
ON 01/03/2007, THE COURT ON 07/03/2007 DELIVERED THE
FOLLOWING:

K.S. RADHAKRISHNAN, Ag. C.J. & M.N.KRISHNAN, J.

Writ Appeal No 552 of 2007

Dated: 7th March 2007.

JUDGMENT

Radhakrishnan, Ag. C.J.

Writ petition was preferred by the first respondent herein seeking a writ of mandamus directing the District Collector to renew Ext.P2 license for the year 2006-2007 to operate 50 HP electric motor or to issue fresh license. Writ petitioner also sought a writ of mandamus directing the District Collector to issue a deemed Panchayat license to run the industry. Direction was also sought against the Panchayat. Petitioner also sought a writ of certiorari to quash Ext. P16 passed by the District Collector and for a declaration that Ext. P10 order passed by the Single Window Clearance Board is final. Learned single judge after hearing the parties passed an interim order on 20th February 2007 giving various directions. Grama Panchayat was directed to to assign provisional numbers to the buildings put up by the petitioner where the petitioner proposes to start a latex centrifuging-cum-latex creaming unit. Direction was also given to the Assistant Engineer, Electrical Section, Paika to

grant industrial service connection to the buildings in question once they are assigned provisional numbers by the District Collector as directed. Learned single judge also directed the District Collector to comply with the direction within five days of receiving a copy order and the Assistant Engineer to grant the connection within five days of receiving application from the petitioner.

2. We feel in the facts and circumstances of the case, the above directions are unwarranted especially in the nature of the reliefs sought for in the writ petition. We feel it would be appropriate that the writ petition itself be disposed of taking note of the various prayers made in the writ petition. In such circumstances, we are inclined to grant stay of the interim order passed by the learned single judge and direct the Registry to post the writ petition for final hearing during the third week of March,2007. We make it clear we are not expressing any opinion on the merits of the case.

Sd/-

K.S. RADHAKRISHNAN
Ag. Chief Justice

Sd/-
M.N. KRISHNAN
Judge

07/03/2007
en/ [true copy]